

*B2*

--35. The culture of claim 34, wherein said PGCs are maintained in culture for at least 4 months.--

--36. The culture of claim 33, wherein said culture comprises the growth factors: leukemia inhibitory factor (LIF), basic fibroblast growth factor (bFGF), stem cell factor (SCF) and insulin-like growth factor (IGF).--

--37. The culture of claim 33, wherein said growth factors are added exogenously to said culture medium.--

--38. The culture of claim 33, wherein said growth factors are supplied by feeder cells. --

--39. The culture of claim 33, wherein said PGCs are obtained from an avian of the genus *Gallinacea*.--

--40. The culture of claim 38, wherein said PGCs are chicken PGCs or turkey PGCs.--

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#### REMARKS

This Reply is submitted in response to the Office Action dated May 16, 2000. Entry and examination on the merits pursuant to 37 CFR §1.112 is respectfully requested.

At the outset, Applicants appreciate the indication of allowable subject matter on page 10 of the Office Action. Specifically, the Examiner acknowledged that claims 1, 2, 4, 5, 7, 8 and 10 were free of the prior art because these claims require that a pure population of PGCs be cultured for 14 days, and the prior art does not teach or fairly suggest that PGCs could be cultured for this period of time without differentiating. Although the claims in the subject application were initially amended in order to pursue methods of transfecting the PGCs, Applicants would first like to pursue claims which fairly reflect that Applicants were the first to be successful in long term culture of PGCs. Such claims are particularly important in view of the recent issue of U.S. Patent 6,140,118, submitted in the attached IDS (which was filed after the subject application). Therefore, the claims have been amended to reflect this

Applicants will reserve further arguments in response to this rejection in a continuation application, as claims directed to chimeric and transgenic avians have been abandoned in favor of the amended and new claims submitted above. But the rejections at this point have been rendered moot. Withdrawal of these rejections is respectfully requested.

Claims 1, 2, 5, 7, 8, 10-13, 15, 16, 18 and 22-28 were rejected under 35 U.S.C. §112, second paragraph, for several reasons. First, it was noted that claim 1 still contains reference to prolonged periods despite applicants' previous attempt to amend the claims. However, this final reference to "prolonged periods" is deleted by way of the amendment above.

Withdrawal of the rejection is respectfully requested.

Claims 1, 11, and 22 were rejected for the phrase "desired nucleic acid." Without necessarily agreeing with this basis for the rejection, applicants respectfully note that this phrase no longer exists in the claims as amended. Therefore, withdrawal of the rejection is respectfully requested.

Claim 2 was rejected for the format of the claim, which made it unclear as to whether the amounts in the parentheses were limitations. However, claim 2 is replaced by new claim 30 above, in which the format has been changed. Therefore, this rejection is now moot. Withdrawal is respectfully requested.

Claim 23 was also rejected because it depended upon itself. However, applicants respectfully note that claim 23 has now been canceled, so this rejection is also moot. Withdrawal is respectfully requested.

Next, applicants acknowledge with appreciation the Examiner's willingness to hold the provisional double patenting rejection in abeyance until the claims are designated allowable. Applicants remain willing to submit a terminal disclaimer over the patent issued from the parent application at that time if the Examiner decides it would be necessary.

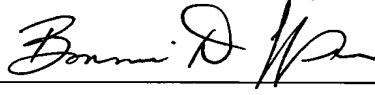
Finally, claims 19, 20 and 27 were rejected under 35 U.S.C. §102(b) as being anticipated by Vick et al. Similarly, claims 11, 12, 13, 18, 22 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vick et al. in view of Pain et al. Without necessarily agreeing with the Examiner's opinion, Applicants note that the rejected claims have been canceled in favor of the amended and new claims submitted above, which the Examiner has indicated are free of the prior art. Therefore, these rejections are no longer relevant. Withdrawal of the rejections is respectfully requested.

This paper is fully responsive to the Office Action dated May 16, 2000. As all rejections have been rendered moot by way of amendment, and Applicants have amended the claims to pursue subject matter that is free of the prior art as acknowledged in the Office Action, a Notice of Allowance appears to be next in order. If there are any further issues pertaining to this Reply or the application in general, the Examiner is encouraged to contact the undersigned so that prosecution may be expedited.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1390. This paper is submitted in duplicate.

Respectfully submitted,

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Date: November 16, 2000

Document #: 1041391 v.1



Creation date: 12-05-2003

Indexing Officer: AJACKSON - ALVINA JACKSON

Team: OIPEBackFileIndexing

Dossier: 09127624

Legal Date: 11-27-2000

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